

FILED
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15 Attorneys for Plaintiff

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION19
20 UNITED STATES OF AMERICA,) No. 3-06-70334 EDL
21 Plaintiff,)
22 v.)
23 JOSE NUNEZ GONZALEZ,) [PROPOSED] ORDER AND
24 Defendant.) STIPULATION EXTENDING TIME
25) UNDER RULE 5.1 AND EXCLUDING
26) TIME UNDER THE SPEEDY TRIAL ACT
27)
28)

29 The parties stipulate and agree, and the Court finds and holds, as follows:

30 1. The initial appearance on the complaint in this case occurred on June 1, 2006. The
31 parties subsequently appeared before this Court on June 7, 2006, for a detention hearing.
32 Defendant elected not to contest detention, and the Court ordered defendant detained.
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34 2. This matter is currently set for a preliminary hearing/arraignment on June 23, 2006 at
35 9:30 a.m.
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37 3. The parties are engaged in discussions that appear likely to lead to a pre-indictment
38 resolution of the case. Accordingly, the parties request that the preliminary hearing/arraignment
39 be continued to July 7, 2006 at 9:30 a.m. Pursuant to Federal Rule of Criminal Procedure 5.1(d),

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1 the parties respectfully request an extension of time for the preliminary hearing to July 7, 2006.

2 4. The parties also respectfully request that the time from June 19, 2006, to July 7, 2006,
3 be excluded in computing the time within which an indictment or information must be filed
4 pursuant to the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). In light of the
5 foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for
6 the defense the reasonable time necessary for effective preparation, taking into account the
7 exercise of due diligence. See id. The ends of justice would be served by the Court excluding
8 the proposed time period. These ends outweigh the best interest of the public and the defendant
9 in a speedy trial. See id. § 3161(h)(8)(A).

10 IT IS SO STIPULATED.

11 DATED: 6/28/06

Respectfully submitted,

12
13 ANDREW R. CAPUTO
14 Assistant United States Attorney

15 
16 ELIZABETH FALK

17 Assistant Federal Public Defender

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 
21 HONORABLE MARIA-ELENA JAMES
22 United States Magistrate Judge

23
24 DATED: 6/30/06

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